

AWARD

NASD REGULATION, INC., OFFICE OF DISPUTE RESOLUTION

In the matter of the Arbitration Between

Name of Claimants

Dennis Gene Burgess and Kathryn Burgess

v.

Arbitration No.
96-04096

Name of Respondents

Dean Witter Reynolds, Inc., Steve Winchell, Ron Reid, Tom Burke, Robert Stambaugh,
Richard White, Patrick J. Burke, Bradley J. Saunders

REPRESENTATION

For Claimants:

Kathryn Burgess
In pro per
Downey, California

For Respondents Dean Witter Reynolds, Inc.,
Steve Winchell, Ron Reid, Robert Stambaugh,
Richard White and Bradley J. Saunders:

Janet T. Epstein, Esq.
Dean Witter Reynolds, Inc.
San Francisco, California

For Respondents Tom Burke and Patrick J. Burke:

Stephen Young, Esq.
Keesal Young & Logan
Long Beach, California

CASE INFORMATION

Statement of Claim filed:

September 16, 1996

Claimant's Submission Agreement signed:

September 6, 1996

Statement of Answer filed by Respondents
Dean Witter Reynolds, Inc., Ron Reid, Robert
Stambaugh, Richard White and Bradley J. Saunders:

January 13, 1997

Statement of Answer filed by Respondents
Tom Burke and Patrick J. Burke:

January 13, 1997

Respondents Dean Witter Reynolds, Inc., Tom
Burke and Patrick Burke's Submission
Agreements signed:

January 13, 1997

Respondents Bradley Saunders and Richard
White's Submission Agreements signed:

January 9, 1997

Respondent Ron Reid's Submission Agreement
signed:

January 8, 1997

HEARING INFORMATION

Pre-Hearing Conferences/Sessions:

July 9, 1997 (1 session)
August 1, 1997 (1 session)

Hearing Dates/Session:

January 21, 1998 (2 sessions)
January 22, 1998 (2 sessions)
January 23, 1998 (1 session)

Hearing Location:

Los Angeles, California

CASE SUMMARY

Claimants alleged that Respondents committed mismanagement and misrepresentation regarding certain investments purchased on Claimants' behalf. Specifically, Claimants asserted that unsuitable, high risk investments were purchased in complete disregard for Claimant's investment objectives of security and income generation.

Respondents denied Claimants' claims in their entirety and asserted that the Claimants' accounts were handled in a suitable manner and that no mismanagement or misrepresentation occurred.

RELIEF REQUESTED

Claimants' sought lost income in the amount of \$16,302.54, interest in the amount of \$7,043.42, refund of commissions in the amount of \$1,796.33, refund of early withdrawal penalty in the amount of \$543.78, refund of dividend distribution in the amount of \$1,000.00, lost capital in the amount of \$24,578.67 and punitive damages of 500 percent.

Respondents sought dismissal of Claimants' Statement of Claim, costs and reasonable attorney's fees.

OTHER ISSUES CONSIDERED AND DECIDED

The parties have agreed that the Award in this matter may be executed in either counterpart copies or that a handwritten, signed award may be entered. In either case, the parties have agreed to receive conformed copies of the Award while the original remains on file with the NASD Regulation, Inc., Office of Dispute Resolution.

On July 9, 1997, a telephonic pre-hearing conference was held in which the arbitration panel ruled that Respondents Tom Burke, Patrick Burke, Brad Saunders and Richard White were dismissed without prejudice from this arbitration.

On October 16, 1997, Claimants dismissed without prejudice Respondent Steve Winchell from this arbitration.

AWARD

After considering the pleadings, the testimony and the evidence presented at the hearing, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. Claimants' claims are denied in their entirety.
2. Respondents Ron Reid and Robert Stambaugh's U-4s shall be expunged of any mention of this arbitration.

FORUM FEES

Pursuant to Rule 10332(c) of the Code of Arbitration Procedure, the following forum fees are assessed against Claimants:

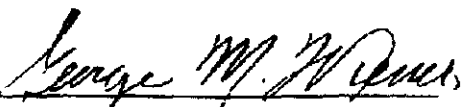
Two (2) Full-Panel Pre-Hearing Conferences @ \$750.00/Session	= \$1,500.00
Five (5) Hearing Sessions @ \$750.00/Session	= \$3,750.00
Total Forum Fees Assessed	= \$5,250.00
Claimants' Assessment	= \$5,250.00
Claimants' Credit for Hearing Session Deposit	= \$750.00
Claimants' Total Balance Due	= \$4,500.00

Fees are payable to NASD Regulation, Inc.

ARBITRATORS

<u>Name.....</u>	<u>Public/Industry</u>
George M. Wiener, Esq.	Public Arbitrator
Donald L. Lisle	Industry Arbitrator
James P. Murphy	Public Arbitrator

Concurring Arbitrators' Signatures



George M. Wiener, Esq.

Donald L. Lisle

James P. Murphy

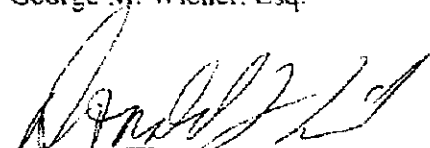
Date of Service: 23 January 1998

ARBITRATORS

<u>Name.....</u>	<u>Public/Industry</u>
George M. Wiener, Esq.	Public Arbitrator
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George M. Wiener, Esq.



Donald L. Lisle

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Date of Service: 23 January 1998

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